

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BENJAMIN C. MILBURN,)	CASE NO. 5:07 CV 2688
)	
Plaintiff,)	JUDGE DONALD C. NUGENT
)	
v.)	MAGISTRATE JUDGE
)	WILLIAM H. BAUGHMAN, JR.
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	<u>REPORT & RECOMMENDATION</u>
Defendant.)	

This matter comes before the Magistrate Judge by automatic reference of administrative action¹ for review of the decision of the Commissioner of Social Security denying plaintiff's application for supplemental security income.²

On September 12, 2007,³ the Court entered an order requiring the plaintiff to file a fact sheet within 20 days of the filing of the defendant's answer⁴ and transcript of proceedings.⁵ The fact sheet was due, therefore, on or before January 7, 2008. On January 30, 2008, the Court filed a show cause order that plaintiff respond on or before February 6, 2008, as to why his complaint should not be dismissed for want of prosecution.⁶ No such filing has been received as of this date.

¹ ECF # 5.

² ECF # 1.

³ ECF # 6.

⁴ ECF # 10.

⁵ ECF # 11.

⁶ ECF # 12.

On consideration whereof, the Magistrate Judge recommends the dismissal of the above-captioned case for failure to prosecute.

Dated: February 19, 2008

s/ William H. Baughman, Jr.
United States Magistrate Judge

Objections

Any objections to this Report and Recommendation must be filed with the Clerk of Courts within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the District Court's order.⁷

⁷ See *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). See also *Thomas v. Arn*, 474 U.S. 140 (1985), *reh'g denied*, 474 U.S. 1111 (1986).